



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sigma General Corporation

File: B-236870

Date: December 14, 1989

DIGEST

Where bid is submitted under name "Sigma Electronics" and bond is submitted under name "Sigma General Corporation" contracting officer properly rejected bid as nonresponsive because of uncertainty as to identity of the actual bidder and was not required to investigate further whether the named entities referred to same legal entity, since bidder bears primary responsibility for unambiguously identifying itself as the party to be bound by the bid and there was insufficient evidence in the bid documents to alert contracting officer that named entities might be the same legal entity.

DECISION

Sigma General Corporation protests the rejection of its bid as nonresponsive and the subsequent award of a contract to Fiber Cable, Inc., under invitation for bids (IFB) No. N62474-89-B-2536, issued by the Naval Weapons Center, for a fiber optics distribution system.

We deny the protest.

The protester submitted the apparent low bid, identifying itself as "Sigma Electronics;" however, the bid bond accompanying the bid named the principal as "Sigma General Corporation." As a result, the contracting officer rejected the protester's bid as nonresponsive on the basis that to the extent that the principal named on the bid differed from the name on the bid form, the bid bond was defective.

The protester challenges the agency's determination that its bid was nonresponsive, contending that its bid in fact was responsive because the name used in the bid documents (Sigma Electronics) and the name used in the bid bond (Sigma General Corporation) refer to the same legal entity. In this regard, the protester states that the Data Universal

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Numbering System (DUNS) number noted in the bid form indirectly identifies its firm as Sigma General Corporation d/b/a Sigma Electronics. Moreover, the protester claims that the Employer Identification Number (EIN) supplied in the bid form belongs only to Sigma General Corporation.

The agency correctly argues that responsiveness must be determined at the time of bid opening and, in general, solely from the face of the bid and the materials submitted with the bid. In this regard, the agency states that in determining whether Sigma's bid was responsive, the contracting officer did not investigate the DUNS number or the EIN number that Sigma furnished in its bid documents.

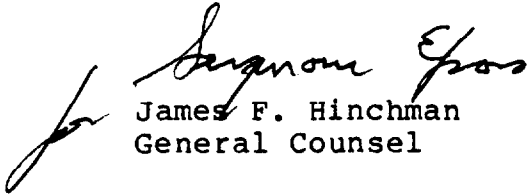
Generally, a bid bond which names a principal different from the nominal bidder is deficient and that defect may not be waived as a minor informality. C.W.C. Assocs., Inc., and Chianelli Contracting Co., 68 Comp. Gen. 164 (1988), 88-2 CPD ¶ 612. Moreover, a contracting officer is not obligated to interpret an ambiguous bid, by sequential logical deductions and inferences, to make a bid responsive. Atlas Contractors, Inc./Norman T. Hardee, a Joint Venture, B-208332, Jan. 19, 1983, 83-1 CPD ¶ 69.

Here, Sigma has attempted to show that the principal named in the bid bond (Sigma General Corporation) is the same entity identified in the bid (Sigma Electronics). In support of this position, Sigma has submitted several official documents: a tax document indicating that the EIN number Sigma included in its bid was assigned by the Internal Revenue Service to Sigma General Corporation; Sigma's seller's permit issued by the California State Board of Equalization to Sigma General Corporation and Sigma Electronics; and a Fictitious Business Name Statement identifying Sigma Electronics as the fictitious business name for Sigma General Corporation. Moreover, the record shows that the DUNS number Sigma included in its bid was assigned by Dunn and Bradstreet to Sigma General Corporation d/b/a Sigma Electronics.

Sigma has presented evidence to us that Sigma General Corporation and Sigma Electronics refer to the same entity. However, there was nothing in the bid submission to show this relationship. As the Navy states, a contracting officer should not be required to conduct an investigation

to determine whether the different named entities, that is, the party submitting the bid and the principal listed on the bid bond, are in fact the same. Rather, we think the bidder bears the primary responsibility for properly preparing its bid documents in such a fashion that the contracting officer may accept the bid with full confidence that an enforceable contract conforming to all the requirements of the IFB will result. See Outdoor Venture Corp., B-235056, June 16, 1989, 89-1 CPD ¶ 571. Under these circumstances we find no basis to object to the contracting officer's determination to reject Sigma's bid because of a defect in its bid bond.

The protest is denied.


James F. Hinchman
General Counsel